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**Request
for
Continued Examination (RCE)
Transmittal**Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/709,580
Filing Date	14 May 2004
First Named Inventor	Paul Meeker
Art Unit	3636
Examiner Name	Edell, Joseph F.
Attorney Docket Number	43064-0030 (MEE-10-DIV)

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. **Fees**

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed
- The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 50-0983. I have enclosed a duplicate copy of this sheet.
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☒ Payment by credit card (Form PTO-2038 enclosed)

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Signature		Date	05/18/2007
Name (Print/Type)	Louis F. Wagner, Esq.	Registration No.	35,730

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Name (Print/Type)	Louis F. Wagner, Esq.
Date	05/18/2007

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Signature  Date 5/18/2007
Louis F. Wagner 18 May 2007
(type or print name of person certifying)

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

<i>Applicant:</i>	Meeker et al.	<i>Examiner:</i>	Edell, Joseph F.
<i>Serial #:</i>	10/709,580	<i>Art Unit:</i>	3636
<i>Filing Date:</i>	14 May 2004	<i>Date:</i>	18 May 2007
<i>Title:</i>	Adjustable Back for a Car Seat		

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Request for Continued Examination & Preliminary Amendment

This communication is in response to the *final* Office Action dated 30 November 2006. This response is filed outside the three (3) month shortened statutory period and therefore is accompanied with a three (3) month Petition Request for an Extension of Time. However, if the applicant's attorney is in error, please consider this a Request for an Extension of Time necessary to effect the filing of this Request for Continued Examination & Preliminary Amendment. Please amend the application as follows.

Amendments to the Claims begin on page 2 of this paper.

Status & Remarks begin on page 11 of this paper.

Claim objections begin on page 11 of this paper.

35 USC §112 Rejection Arguments begin on page 11 of this paper

35 USC §102 Rejection Arguments begin on page 12 of this paper

35 USC §103 Rejection Arguments begin on page 13 of this paper

Request for Reconsideration begins on page 16 of this paper

Attachments

Fee Determination Sheet

In the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

LISTING OF CLAIMS

1. (currently amended) A car seat with an extendable back which comprises:

a seat member for positioning upon a seating surface within said car;

a back member connected to said seat member, said back member further comprising:

a fixed component having a laterally extending essentially flat middle section and a pair of raised contoured sides adjacent said middle section;

a movable component having a laterally extending essentially flat middle section and a pair of raised contoured sides adjacent said middle section capable of movement from a retracted position to an extended position, said movable component comprising

an upper headrest area with a pair of forward extending wings and an upper headrest width,

a lower area separated from said upper headrest area by a pair of fixed size laterally and inwardly-projecting indentations, said indentations extending into said middle section of said movable component and to accommodate accommodating an automobile shoulder belt through one of said indentations, said lower area having a surface and a contour in cross-section for sliding movement along said fixed component having a mating contoured surface in cross-section, said lower area fixedly connected to said upper headrest area, said lower area having a lower area width,

said upper headrest width and said lower area width being essentially the same,

said upper headrest area in invariant fixed relationship to said lower area and separated by said indentations,

said fixed and movable components in overlapping essentially gapless relationship with respect to each other with sliding movement between said components at both said retracted and extended positions.

and further wherein sliding movement between said components does not increase a size of said indentations between said upper headrest area and said lower area; and

means for selectively positioning and retaining said movable component relative to said fixed component.

2. (original) The seat of claim 1 wherein said movable component is attached in front of said fixed component.
3. (original) The seat of claim 1 wherein said fixed component and said movable component permit telescoping movement therebetween.
4. (original) The seat of claim 3 wherein said telescoping movement is fixed by a length of at least one longitudinal channel in said fixed component.
5. (original) The seat of claim 4 wherein said telescoping movement is fixed by a length of at least two longitudinal channels in said fixed component.
6. (canceled)
7. (previously presented) The seat of claim 5 wherein said means for selectively positioning said movable component relative to said fixed component permits adjustment by incremental discrete movement.
8. (original) The seat of claim 7 wherein said means for selectively positioning said movable component relative to said fixed component is a pair of outwardly biased shafts which engage locking means on said fixed component.
9. (original) The seat of claim 8 wherein said locking means are mating teeth and grooves.
10. (currently amended) The seat of claim 6 1 wherein said means for selectively positioning said movable component relative to said fixed component permits infinitely variable movement.
11. (currently amended) A car seat having an extendable back which comprises:
 - a seat member for positioning upon a seating surface within said car;
 - a back member connected to said seat member, said back member further comprising:
 - a fixed component having a laterally extending essentially flat middle section and a pair of raised contoured sides adjacent said middle section; and

a telescoping movable component overlapping and in contacting engagement with said fixed component, said telescoping movable component further comprising a fixed upper headrest area with a pair of forward extending wings, an opposed lower surface having a laterally extending essentially flat middle section and a pair of raised contoured sides adjacent said middle section which mate with said contour of said fixed component, said upper headrest area and said lower surface separated by a pair of fixed size laterally and inwardly-projecting indentations, said indentations extending into said middle section of said movable component and for use with an automobile shoulder belt through one of said indentations, and wherein movement of said fixed and movable components relative to each other provides contiguous essentially parallel surface support for an occupant's back when said movable component is both in a retracted position and an extended position without increasing a size of said indentations; and

means for selectively positioning and retaining said movable component relative to said fixed component.

12. (original) The seat of claim 11 wherein said movable component is attached in front of said fixed component.
13. (original) The seat of claim 12 wherein an inner contour of said movable component mates with an outer contour of said fixed component.
14. (original) The seat of claim 13 wherein said inner contour of said movable component nests with an outer contour of said fixed component.
15. (previously presented) The seat of claim 14 wherein an outer contour of said movable component further comprises a pair of raised surfaces for side support of an occupant.
16. (original) The seat of claim 15 wherein said fixed component and said movable component permit telescoping movement therebetween.
17. (original) The seat of claim 16 wherein said telescoping movement is fixed by a length of at least one longitudinal channel in said fixed component.
18. (original) The seat of claim 17 wherein said telescoping movement is fixed by a length of at least two longitudinal channels in said fixed component.

19. (original) The seat of claim 18 wherein said means for selectively positioning said movable component relative to said fixed component permits adjustment by incremental discrete movement.
20. (original) The seat of claim 19 wherein said means for selectively positioning said movable component relative to said fixed component is a pair of outwardly biased shafts which engage locking means on said fixed component.
21. (original) The seat of claim 20 wherein said locking means are mating teeth and grooves.
22. (original) The seat of claim 18 wherein said means for selectively positioning said movable component relative to said fixed component permits infinitely variable movement.
23. (currently amended) An extendable back member for use with a car seat which comprises:
- a fixed component having a laterally extending essentially flat middle surface and a pair of raised contoured sides adjacent said middle section;
 - a movable component capable of movement from a first to a second position, said movable component comprising
 - an upper headrest area with a pair of forward extending wings and
 - an opposed lower area having a laterally extending essentially flat middle surface and a pair of raised contoured sides for sliding movement along said matingly contoured surfaces of said fixed component creating an essentially flat surface for an occupant's back,
 - said upper headrest area in invariant fixed relationship to said lower area and separated by a pair of laterally and inwardly-projecting indentations, said indentations extending into said middle section of said movable component for use with an automobile shoulder belt through one of said indentations,
 - said fixed and movable components in overlapping essentially gapless and contacting relationship with respect to each other with sliding movement between said components and further without increasing a size of said indentations with said sliding movement; and
- means for selectively positioning and retaining said movable component relative to said fixed component.

24. (previously presented) The seat of claim 23 wherein said movable component is attached in front of said fixed component.
25. (previously presented) The seat of claim 23 wherein said fixed component and said movable component permit telescoping movement therebetween.
26. (previously presented) The seat of claim 25 wherein said telescoping movement is fixed by a length of at least one longitudinal channel in said fixed component.
27. (previously presented) The seat of claim 26 wherein said telescoping movement is fixed by a length of at least two longitudinal channels in said fixed component.
28. (canceled)
29. (previously presented) The seat of claim 27 wherein said means for selectively positioning said movable component relative to said fixed component permits adjustment by incremental discrete movement.
30. (previously presented) The seat of claim 29 wherein said means for selectively positioning said movable component relative to said fixed component is a pair of outwardly biased shafts which engage locking means on said fixed component.
31. (previously presented) The seat of claim 30 wherein said locking means are mating teeth and grooves.
32. (currently amended) The seat of claim 28 23 wherein said means for selectively positioning said movable component relative to said fixed component permits infinitely variable movement.
33. (withdrawn-amended) An extendable back for a car seat comprising:
 - (a) an upper headrest area;
 - (b) a lower extendable back area below said headrest area, said back area having a width and a length and a surface area defined by said width and length, whereby extending said back area from a fully contracted to a fully extended position increases said surface area of said back area;
 - (c) said upper headrest surface area having a pair of fixed size laterally and inwardly projecting indentations to accommodate an automobile shoulder belt through one of said indentations, said indentations separating said upper headrest area from said lower extendable back area, said indentations extending toward a longitudinal central axis of said extendable back; and
 - (d) said lower extendable back area in connection with a lower seat area.

34. (withdrawn-amended) A car seat comprising:

- (a) a seat with an occupant supporting surface;
- (b) a height adjustable back further comprising:
 - (i) a movable lower occupant back supporting surface,
 - (ii) an upper occupant head supporting surface fixedly attached to a top of said movable occupant back supporting surface,
 - (iii) at least one height adjustment position for said back supporting surface;
- (c) said back having a pair of laterally and inwardly-projecting indentations between said occupant head supporting surface and said occupant back supporting surface, said indentations having fixed dimensions and separating said movable lower back supporting surface and said upper head supporting surface, said indentations extending toward a longitudinal central axis of said extendable back;
- (d) said dimensions of said indentations and said number of said indentations remaining constant when changing height adjustment position of said back supporting surface; and
- (e) said seat in communication with said height adjustable back.

35. (withdrawn-amended) An extendable back for a child's car seat comprising:

- (a) an essentially contiguous lower supportive area;
- (b) an upper headrest area, said respective areas separated by a pair of laterally and inwardly-projecting indentations therebetween for acceptance of an automobile shoulder belt, said indentations extending toward a longitudinal central axis of said extendable back; and
- (c) wherein said supportive area is adjustable in height without introduction of gaps when moving said supportive area from a contracted position to an extended position; and
- (d) further wherein a size and number of said indentations remains constant when moving said supportive area from said positions;
- (e) said car seat further comprising a seating surface in communication with said extendable back.

36. (withdrawn-amended) An extendable back for a child's car seat with an extendable back support surface located below a head supporting surface, said extendable back supporting surface comprising:

- (a) a fixed lower member with contoured sides in communication with said extendable back support surface;
- (b) a moving upper member with contoured sides for telescopic sliding movement over said contoured sides of said lower member,
- (c) wherein extending said back supporting surface from a contracted to an expanded position increases a gapless supportive area of said back support surface;
- (d) said extendable back supporting surface having a pair of fixed size laterally and inwardly-projecting indentations, said indentations separating an upper headrest area from a lower portion of said moving upper member, said indentations extending toward a longitudinal central axis of said extendable back.

37. (canceled)

38. (currently amended) An extendable back member for use with a car seat which comprises:

a fixed component having a laterally extending essentially flat middle surface and a pair of raised contoured sides adjacent said middle section;

a movable component capable of movement from a first to a second position, said movable component comprising

an upper headrest area with a pair of forward extending wings and

an opposed lower area having a laterally extending essentially flat middle surface and a pair of raised contoured sides for sliding movement along said matingly contoured surfaces of said fixed component creating an essentially flat surface for an occupant's back,

said upper headrest area in invariant fixed relationship to said lower area and separated by a pair of laterally and inwardly-projecting indentations, said indentations extending into said middle section of said movable component and for use with an automobile shoulder belt through one of said indentations,

said fixed and movable components in overlapping essentially gapless and contacting relationship with respect to each other with sliding movement between said components and further without increasing a size of said

indentations with said sliding movement; and

means for selectively positioning and retaining said movable component relative to said fixed component.

39. (currently amended) A car seat having an extendable back which comprises:

a seat member for positioning upon a seating surface within said car;

a back member connected to said seat member, said back member further comprising:

a fixed component having a laterally extending essentially flat middle section and a pair of raised contoured sides adjacent said middle section; and

a telescoping movable component overlapping and in contacting engagement with said fixed component, said telescoping movable component further comprising a fixed upper headrest area with a pair of forward extending wings, an opposed lower surface having a laterally extending essentially flat middle section and a pair of raised contoured sides adjacent said middle section which mate with said contour of said fixed component, said upper headrest area and said lower surface separated by a pair of fixed size laterally and inwardly-projecting indentations, said indentations extending into said middle section of said movable component and for use with an automobile shoulder belt through one of said indentations, and wherein movement of said fixed and telescoping components relative to each other provides contiguous essentially parallel surface support for an occupant's back when said movable component is both in ~~its retracted and extended positions~~ a retracted position and an extended position without increasing a size of said indentations; and

means for selectively positioning and retaining said movable component relative to said fixed component.

40. (previously presented) A car seat with an extendable back which comprises:

a seat member for positioning upon a seating surface within said car;

a back member connected to said seat member, said back member further comprising:

a fixed component having a laterally extending essentially flat middle section and a pair of raised

contoured sides adjacent said middle section;

a movable component having a laterally extending essentially flat middle section and a pair of raised contoured sides adjacent said middle section capable of movement from a retracted position to an extended position, said movable component comprising

an upper headrest area with a pair of forward extending wings and an upper headrest width,

a lower area separated from said upper area by a pair of fixed size laterally and inwardly-projecting indentations, said indentations extending into said middle section of said movable component and to accommodate an automobile shoulder belt guide through one of said indentations, said lower area having a surface and a contour in cross-section for sliding movement along said fixed component having a mating contoured surface in cross-section, said lower area fixedly connected to said upper headrest area, said lower area having a lower area width,

said upper headrest width and said lower area width being essentially the same,

said upper headrest area in invariant fixed relationship to said lower area and separated by said indentations,

said fixed and movable components in overlapping essentially gapless relationship with respect to each other with sliding movement between said components at both said retracted and extended positions,

and further wherein sliding movement between said components does not increase a size of said indentations between said upper headrest area and said lower area; and

means for selectively positioning and retaining said movable component relative to said fixed component.

Status & Remarks

The application presently contains the following claims:

<i>Independent Claim #</i>	<i>Dependent Claim #s</i>
1(amended)	2-5, 7-10
11(amended)	12-22
23(amended)	24-27, 29-32
33(withdrawn-amended)	
34(withdrawn-amended)	
35(withdrawn-amended)	
36(withdrawn-amended)	
38 (currently amended)	
39 (currently amended)	
40 (currently amended)	

Claims 1, 11 and 23 are amended in this response. Claims 6 and 28 are canceled while claims 38-40 are added. Support for the claim amendments and newly added claims may be found with reference to FIGS. 1-4 as originally filed. Claims 33-37 are withdrawn-amended pursuant to the restriction requirement identified by the examiner, but amended in a manner which are believed to render the claims consistent with an elected invention.

Claim Objections

The examiner has objected to claim 39 due to antecedent basis issues. Through amendment, this objection is believed to have been rendered moot.

35 U.S.C. §112

There are no pending rejections under this section.

35 U.S.C. §102

(I) United States Patent No. 4,819,278

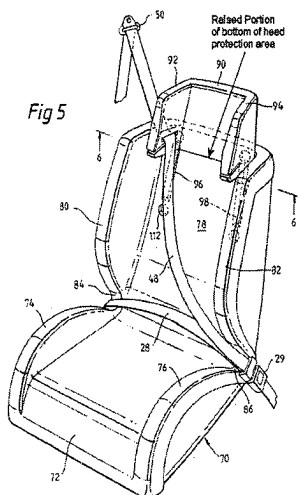
The examiner has withdrawn rejections of 11-16 and 23-25 under this section, subparagraph (b) as being anticipated by United States Patent No. 4,819,278 to Ramos (hereinafter "Ramos" or '278). The applicant's attorney thanks the examiner for his thoughtful consideration of the previously advanced arguments over Ramos.

(II) United States patent No. 4,854,639

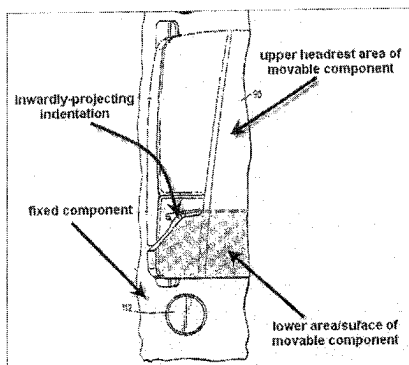
The examiner has previously rejected claims 1-8, 10-20, 22-30 and 32 under this section, subparagraph (b) as being anticipated by United States Patent No. 4,854,639 to Burleigh et al., (hereinafter "Burleigh" or '639). At this time, the examiner is maintaining his rejections of claims 1-5, 7-8, 10-20, 22-27, 29-30, 32 and 38-40. In response, the applicant's attorney has further amended the independent claims and would respectfully request the examiner to review his determination regarding the patentability of those claims as well as in light of the following arguments.

The examiner has kindly provided yet another new diagram with associated annotations to aid in the discussion, for which the applicant's attorney thanks the examiner.

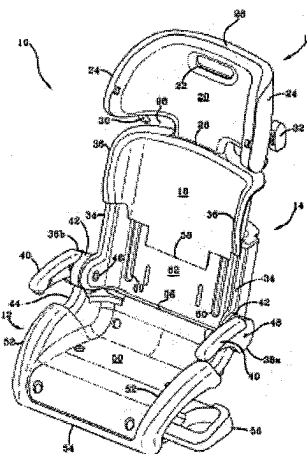
Perhaps the root of the difference of opinion resides in definitional semantics involving directions. It would appear to the examiner that "laterally and inwardly-projecting indentations" exist in both Burleigh and in Meeker. It is equally evident that the applicant's attorney has been arguing that the indentations of Burleigh cannot be so defined. Perhaps with better directional reference points, the examiner and the applicant's attorney can reach a resolution so that the claimed invention distinguishes over Burleigh.



Burleigh



Burleigh with examiner annotation



Meeker & Gibson

The examiner has characterized Burleigh as having indentations which are "laterally and inwardly

projecting.” It is respectfully submitted that this may not be an accurate characterization of Burleigh. If it is accepted that the indentations of Burleigh extend “inwardly”, then it would be inaccurate to characterize those same indentations as “laterally-extending.” Lateral means side-to-side. With all due respect to the examiner, at best, Burleigh’s indentations are directionally “rearwardly-extending.” They go front to back, not side-to-side as those of Meeker. In order to clarify this relationship, the applicant’s attorney has amended the claims to recite “laterally and inwardly-projecting indentations, said indentations extending into said middle section of said movable component”. This clearly distinguishes over Burleigh. Additionally, and perhaps not fully appreciated, are other limitations found in various independent claims which also distinguish over Burleigh, namely:

- “said upper headrest width and said lower area width being essentially the same” and
- “said upper headrest area in invariant fixed relationship to said lower area and separated by said indentations”.

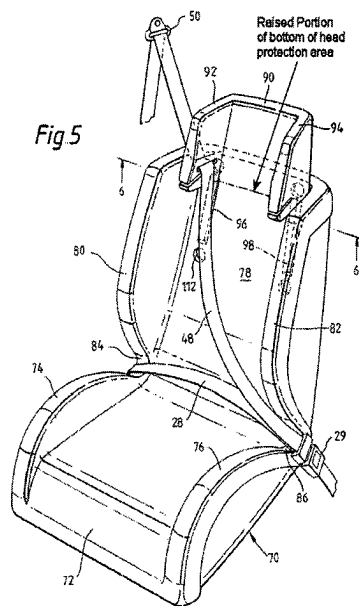
Burleigh clearly cannot have a headrest width and a lower area width as being essentially the same, as illustrated by the figure above. Additionally, since Burleigh has no “lower area” on said “movable component” it is equally impossible to have these two regions of the car seat in “invariant fixed relationship”. In fact, Burleigh teaches that these two regions are in a continuously changing relationship to each other as the head rest is moved up and down.

In fact, one of the benefits of the Meeker & Gibson invention resides in the fact that by having the indentations directed inwardly and laterally, the seat belt path does not have to twist as clearly shown above. Most rear seatbelts originate at from the top of the rear seat and extend across the chest of the occupant for fastening at the pelvis area opposite from the belt origination side. The Burleigh seatbelt path requires that belt to twist 90° to be capable of being introduced into the Burleigh rearward-extending indentations followed by another 90° twist to position over the chest of the occupant. Twisting creates two problems: (a) slack in the belt; and (b) an area over which the full width of the belt is not in contacting engagement with the occupant. The issue with slack is that the occupant will be capable of more forward movement than is desired, thereby creating the potential for greater chest injuries from a rearward collision. The issue with less than full contacting engagement is that at the portion where the belt is not fully extended widthwise, there is less belt surface area in contact with the occupant, thereby creating less distributive force dissipative area, and defeating at least some of the benefits of using the seat belt. Only the Meeker & Gibson arrangement will successfully overcome all issues associated with belt twisting, since that is eliminated.

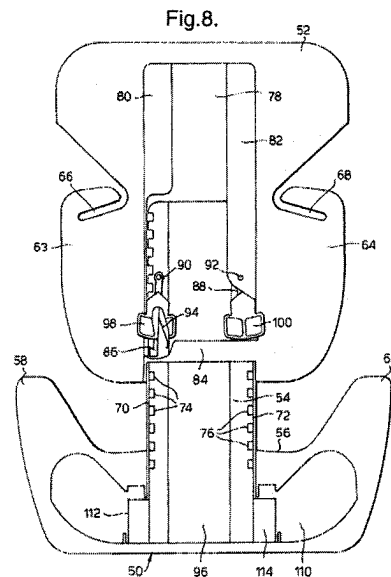
35 U.S.C. §103

The examiner has rejected claims 9, 21 and 31 under this section, subparagraph (a) as being unpatentable over *Burleigh et al.*, in view of U.S. Patent No. 5,845,968 to *Lovie* (hereinafter “Lovie” or ‘968)

and provided his reasons therefore. The examiner has also provided additional thoughts as to the predicate for the rejection, which the applicant's attorney may have underappreciated. The applicant's attorney would respectfully request the examiner to revisit his position in light of the following comments, claim amendments to the independent claims and new claims.



Burleigh et al.



Lovie

The examiner is suggesting that by substituting the mating teeth (98, 100) with associated grooves (76) of *Lovie* for slide bar (36) of *Burleigh et al.*, the limitation of mating teeth and grooves is met of claims 9, 21 and 31. It is respectfully submitted that this is a selective reading of the two references. However, even if it were assumed that the examiner were correct, a point which the applicant's attorney is not conceding at this time, the combination will still not teach the *Meeker & Gibson* invention. In fact, any product made in accordance with the teachings of this combination would fail in either of two ways, both of which are distinguished in the pending claims:

- (1) the combination would result in a headrest which moved up and down, but for which there would be no movable back support component which moved in conjunction with the headrest (a feature which provides user comfort by eliminating the raised headrest of *Burleigh et al.*); or
- (2) the combination would result in a headrest and back combination which would move together as shown in Fig. 8 of *Lovie*, but which would have indentations, the size of which would vary proportionately with the height of elevation (a feature which does not provide maximum spinal support for the occupant, a feature of which is present and claimed in the instant invention).

The combination of *Burleigh et al.*, with *Lovie* do not render obvious the claimed invention of *Meeker &*

Gibson. As amended, it is respectfully submitted that the combination of the contiguous back support, coupled with the essentially flat surface alignment claimed by linking the movable portion of the back support with the head support area, distinguishes over the trio of references identified by the examiner in a nonobvious way.

Response to Examiner's Observations

The applicant's attorney thanks the examiner for providing supplemental comments regarding the amendment response filed 03 April 2006. As noted by the examiner, the "laterally and inwardly-projecting indentation" limitation is now present in all claims. As the claims are currently phrased, it is respectfully submitted that Burleigh does not teach all of the limitations in the independent claims.

The examiner has commented that the seat belt path twisting argument is not originally present in the specification as originally filed. This is correct. However, the examiner further notes that the teaching is not suggested by the drawings of the instant application. The applicant's attorney would respectfully submit that quite the contrary, this aspect of the invention is inherently shown in the drawings. By threading the seat belt through the openings as would inherently occur as illustrated in FIG. 4, there is no twisting of the seat belt. By contrast, Burleigh's threading as required by the Burleigh geometry, inherently produces a twist in the seat belt.

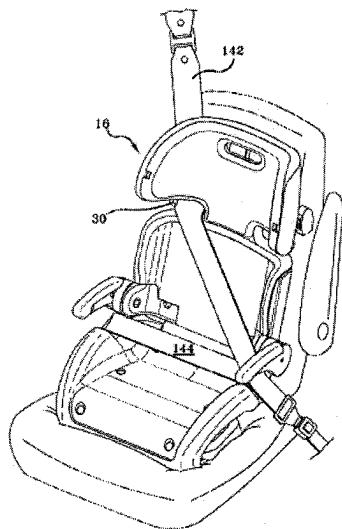
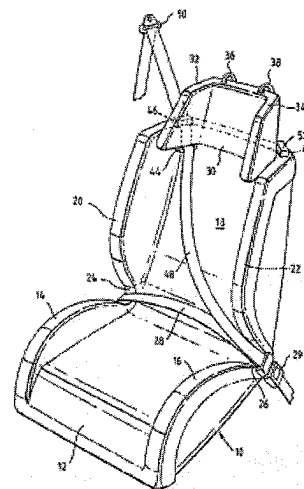


FIG-4

Meeker and Gibson



Burleigh

Lastly, the examiner notes that maximum spinal support is not mentioned in the specification, and therefore is rejecting its ability to be used as an argument in favor of the patentability of the claims. This is improper. It is impossible to anticipate each and every argument which may be advanced in favor of the patentability of any invention and include such anticipatory argument in the specification of each patent

application filed. What is required is that the argument be supported by the entire specification, including the figures as well as the inherent logical outcomes of the use of the product in accordance with the laws of physics. Therefore, the argument is completely supportable. However, through amendments to the independent claims, the dependent claims which derive from them, are also patentable.

Request for Reconsideration

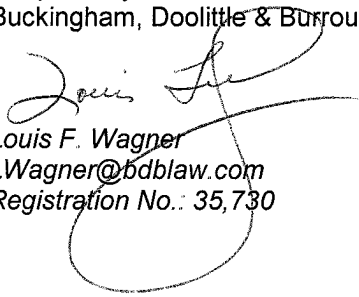
Applicant believes that all independent claims clearly define over the prior art and that the distinctions between the present invention and the prior art would not have been obvious to one of ordinary skill in the art. Additionally, the remaining dependent claims, by the limitations contained in the base independent claims, are felt to be patentable over the prior art by virtue of their dependency from independent claims which distinguish over the prior art of record. All pending claims are thought to be allowable and reconsideration by the Examiner is respectfully requested.

It is respectfully submitted that no new additional searching will be required by the examiner. A fee determination sheet is attached for this amendment response. The Commissioner is hereby authorized to charge any additional fee required to effect the filing of this document to Account No. 50-0983.

It is respectfully submitted that all references identified by the examiner have been distinguished in a non-obvious way. If the examiner believes that a telephonic conversation would facilitate a resolution of any and/or all of the outstanding issues pending in this application, then such a call is cordially invited at the convenience of the examiner.

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Respectfully Submitted,
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